

CORPORATION OF THE CITY OF THOROLD

BY-LAW NO. 41-2012

A BY-LAW TO REGULATE OPEN AIR BURNING

WHEREAS Section 210(35) of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that by-laws may be passed by the council of a local municipality for prescribing for the whole or any part of the municipality the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires.

THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF THOROLD ENACTS AS FOLLOWS:

SECTION 1 – DEFINITIONS

1.1 In this By-law:

- (a) *"Fire Chief"* means the Fire Chief of The Corporation of the City of Thorold Fire and Emergency Services, or his Designate.
- (b) *"Fire"* includes bonfire, campfire and any other fire in a yard, field or any other open place but does not include:
 - (i) a charcoal or gas fire in a barbeque, hibachi or similar metal or masonry container while being used for the cooking of food for human consumption, provided, that
 - (a) such fire is not on a balcony, porch or veranda of a building, inside any garage, tent, vehicle or structure, in or near dry vegetation, or in any other place similarly conducive to the development or spread of fire or explosion; and
 - (b) such fire is attended by a person competent to supervise it;
 - (ii) An appliance being used for heating pitch or asphalt;
 - (iii) An appliance being used for construction or maintenance and which requires an open flame;
 - (iv) A campfire in a camping establishment regulated by Thorold City Council provided that such campfire is in an area of the camping establishment approved by the Fire Chief and is attended by a person competent to supervise it;
 - (v) A campfire elsewhere within the City of Thorold provided that such campfire is in an area approved by the Fire Chief and is attended by a person competent to supervise it;
 - (vi) A fire set with the approval of Thorold City Council in an area approved by the Fire Chief and with Thorold Fire and Emergency Services personnel present;

- (vii) A fire set by Thorold Fire and Emergency Services in training areas approved by the Fire Chief for the purpose of training or testing equipment;
- (viii) A fire set by a fire equipment manufacturer or his agent for the purpose of demonstrating firefighting equipment in an area approved by the Fire Chief with Thorold Fire and Emergency Services personnel present;
- (ix) The burning of brush or leaves by authorized employees of the Corporation in locations approved by the Fire Chief, provided such burning is under the supervision of a City foreman and takes place between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon of the same day; or
- (x) A fire in a masonry fireplace in a Municipal or Provincial Park.

SECTIONS 2 – PROHIBITED

2.1 No person shall, anywhere in the City of Thorold, set or maintain a fire in the open air or permit a fire in the open air to burn:

- (a) at a location where there is danger of such fire spreading to grass or other vegetation;
- (b) during a strong wind;
- (c) on any road allowance or other municipal property;
- (d) on or adjacent to any property where a building or structure is under construction;
- (e) on or adjacent to any property where it is known that explosives or any flammable materials are stored;
- (f) on any property where such fire may constitute a hazard to persons on adjacent property;
- (g) on any property or location where such fire will create smoke that constitutes a hazard on a street or highway, or creates unpleasant odour to persons on adjacent properties.

2.2 No person shall make or permit any fire of any size under conditions or circumstances likely to cause loss of life or damage to any building or other property.

2.3 No person shall burn debris or other material:

- (a) in any building or structure which is being demolished;
- (b) on the lot or site of any building or structure which is being demolished.

2.4 No person shall set fire to:

- (a) a building or structure for the purpose of demolishing the whole or any part thereof;
- (b) a demolished building or any part thereof.

SECTION 3 – PERMITTED FIRES AND RESTRICTIONS

3.1 Every person setting a permitted fire in the open air, anywhere in the City of Thorold, shall:

- (a) ensure that a person:
 - (i) competent to supervise such fire and
 - (ii) competent to extinguish it promptly in the event of danger of the spread of such fire,
 - (iii) is in constant, immediate attendance at the specific place where the fire is burning;
- (b) completely extinguishes such fire before leaving the specific place where the fire is burning;
- (c) except for fires described in Section 3.2 of this By-law:
 - (i) set and confine the fire in a metal or masonry container with a metal screen on top having a mesh not exceeding 1/2 inch; and
 - (ii) set and keep the fire not less than 50 feet from any building, wooden fence, or other combustible material or liquid.

3.2 Every person setting a permitted fire in the open air in any area in the City of Thorold for the purpose of burning diseased branches and pruning's in large quantities shall comply with the following additional regulations:

- (a) no fire shall be set or maintained at any time between one hour before sun set of any day and sunrise of the next following day;
- (b) the fire shall be kept at least 200 feet from any building;
- (c) Thorold Fire and Emergency Services shall be notified at least 24 hours in advance of the intention to set the fire; and
- (d) the piles of branches and pruned refuse to be burned shall not be more than 10 feet in diameter nor more than 10 feet in height.

SECTION 4 – AUTHORITY

- 4.1 The Fire Chief is hereby authorized to order any person to put out any fire when in their respective opinions there is any danger of such fire spreading or otherwise endangering life or property.
- 4.2 Every person setting a fire in the open air shall comply with all lawful directions of the Fire Chief.

SECTION 5 – NON-COMPLIANCE

- 5.1 Every person who contravenes any provision of this By-law may be subject to a Fire Prevention Service Fee as set out in Schedule "A" of City of Thorold By-law 2012-31, a By-law to Prescribe a Schedule of Fees Related to the Services Provided by Thorold Fire and Emergency Services.

SECTIONS 6 – OTHER REGULATIONS / BY-LAWS

- 6.1 Nothing in this By-law shall be deemed to authorize any fire, burning or other act which is in contravention of the *Environmental Protection Act*, as amended, or any regulation made thereunder and in the event of any conflict between the provisions of this By-law and the said *Act* or regulations, the provisions of the said *Act* and regulations shall govern.
- 6.2 Where any provision of this By-law conflicts with a similar provision in any other by-law of the Corporation, this By-law shall prevail.

SECTION 7 - REPEAL

- 7.1 By-law No. 69-2000 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ENACTED ON THIS 1ST DAY OF MAY, 2012.


A. T. (Ted) Luciani, Mayor


Susan Daniels, City Clerk